

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety or general welfare, within the meaning of Government Code (GC) section 11346.1. Further, GC section 11346.1(a)(2) requires that at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in GC section 11349.6. To determine the OAL five day comment period, check <http://www.oal.ca.gov/> often.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. The Legislature enacted and the Governor signed Assembly Bill (AB) 1603 (Chapter 25, Statutes of 2016), which made changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) Homeless Assistance (HA) Program. These proposed regulations amend homeless assistance regulations in order to comply with AB 1603 by repealing the once-in-a-lifetime limit currently placed on homeless assistance and expanding the provision of temporary shelter assistance and permanent housing assistance to be available every 12 months.
2. Delay in the implementation of these regulations would conflict with the statutory directive found in Section 36 of AB 1603 that emergency regulations be adopted:

(a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act [Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the GC], the California Department of Social Services may implement and administer Article 6 (commencing with Section 16523) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions (W&I) Code and the changes made in this act to Sections 11253.45, 11320.15, 11322.63, 11322.64, 11322.83, 11323.25, 11402 (as amended by Section 65 of Chapter 773 of the Statutes of 2015), 11402 (as amended by Section 66 of Chapter 773 of the Statutes of 2015), 11450, 11450.04, 11461.3, 11461.4, 11465, 12301.02, 16519.5 and 18910.1 of the W&I Code through all-county letters or similar instructions until regulations are adopted.

(b) The Department shall adopt emergency regulations implementing the sections specified in Subdivision (a) no later than January 1, 2018. The Department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety or general welfare. Initial emergency regulations and the one readoption of emergency

regulations authorized by this section shall be exempt from review by OAL. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to OAL for filing with the Secretary of State and each shall remain in effect for no more than 180 days by which time final regulations shall be adopted.

3. These emergency regulations will ensure that the counties are providing current CalWORKs Program's benefits to eligible program applicants and recipients, as mandated by AB 1603.
4. Therefore, in order to preserve the public peace, health, safety and general welfare of the State of California, these regulations are to be adopted on an emergency basis.

INFORMATIVE DIGEST

The AB 1603 made changes to the CalWORKs HA Program that became effective January 1, 2017. The CalWORKs HA program serves CalWORKs recipients who are homeless or at risk of homelessness. The CalWORKs recipients, or apparently eligible CalWORKs applicants who meet the criteria for being homeless, are eligible for payments to stay in temporary shelter (e.g., a motel) for up to 16 consecutive days. Following the 16-day period, even if the assistance unit (AU) did not receive all 16 days, the temporary shelter benefit is considered exhausted.

While receiving temporary HA, recipients are required to search for permanent housing. Once permanent housing is located, recipients may be eligible to receive permanent HA within one working day of the request. Permanent HA may consist of assistance with the security deposit, which may include last month's rent, with the total not to exceed twice the amount of the monthly rent. The recipient may also receive assistance with the utility deposit, if required. For recipients facing eviction, HA may provide up to two months of rent arrearages. Rent and rent arrearages may not exceed 80 percent of the AU's total monthly household income.

These proposed regulations amend CalWORKs regulations to comply with AB 1603 by repealing the once-in-a-lifetime limit placed on temporary and permanent HA benefits. Under the new law, both temporary and permanent HA shall be available to an eligible AU once every 12 months, or more frequently with exceptions.

In addition, the proposed regulations will make other technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The Department considered other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area (CalWORKs Homeless Assistance) and, therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 1603, as well as with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: There is no impact to the county share of cost for affected programs.
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These proposed CalWORKs regulations do impose a mandate upon local agencies but not on school districts.

AUTHORITY AND REFERENCE CITATIONS

The Department adopts these regulations under the authority granted in Sections 11450 of the Welfare and Institutions Code. Subject regulations implement and make specific Section 11450 of the Welfare and Institutions Code, as adopted by AB 1603 (Chapter 25, Statutes of 2016).